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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,917	02/27/2004	Randall Jenkins	D-1212	7493
28995	7590	03/22/2007		
RALPH E. JOCKE walker & jocke LPA 231 SOUTH BROADWAY MEDINA, OH 44256			EXAMINER PAIK, STEVE S	
			ART UNIT	PAPER NUMBER
			2876	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/22/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/788,917

Applicant(s)

JENKINS ET AL.

Examiner

Steven S. Paik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 45-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 49, 59 and 66 is/are allowed.
- 6) ☒ Claim(s) 1, 45, 46, 50-52, 56, 61-63 and 67-70 is/are rejected.
- 7) ☒ Claim(s) 47, 48, 53-55, 57, 58, 60, 64 and 65 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

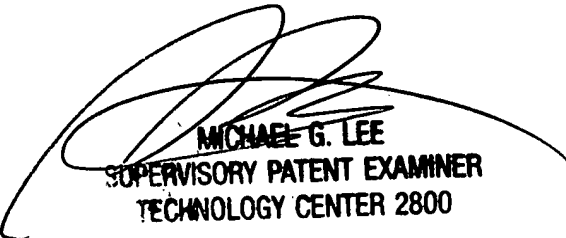
1. In view of the Appeal Brief filed on April 14, 2006, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 45, 46, 50-52, 56, 61-63, 67-70 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoshino (US 2002/0046171 A1).

Re claims 1, 50, and 69, Hoshino discloses an apparatus (automated teller machine; FIG. 2 is a schematic diagram showing an example of internal structure of the ATM of FIG. 1. The ATM comprises a computer 100, a driver's license shooting section 200, a card/receipt processing means 300, a bankbook processing means 400, a money processing means 500, an operation panel 600, a memory(s) 700, and a communication device 800.) including:

a security system (computer system 100 and a host computer),

wherein the system is operative to restrict access to the interior of an automated banking machine component (actions including withdrawing currency from the interior of the ATM), wherein the system includes a database (a user, who already has a bank account and registered his/her face image data in the host computer),

wherein the database includes data representative of images of individuals authorized access to the interior of the automated banking machine component (paragraph [0061]),

wherein the system includes a camera (image camera 2),

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wherein the camera is operative to capture an image of an individual (The image camera controller 102 orders the image camera to shoot a facial portrait of a user),

wherein the system includes image recognition software ([0063]),

wherein the software is operative to determine whether a captured image of an individual corresponds to an individual represented in the database (Receiving the face image data of the user from the ATM, the host computer collates it with the pre-registered image data of the customers to find out coincidental one.),

wherein the system includes at least one processor (host computer and computer 100 includes at least one processor),

wherein the at least one processor is operatively connected to the database and the camera ([0031]), wherein the at least one processor is operative to use the software (The host computer uses a image recognition software to collate a customer's facial image with the pre-registered image data of the customer.).

Re claims 45, 46, and 56, Hoshino discloses the apparatus as recited in rejected claim 1 stated above, further including an automated banking machine (Fig. 1 and 2), wherein the automated banking machine includes an automated banking machine component, wherein the component comprises a security container (The ATM is provided with a money processing means 500 to store the money inserted into the paper money input pocket 9. It is conventional and necessary to have a currency container within the ATM to perform a withdrawal function.)

Re claim 51, see Fig. 9 and paragraphs [0062]-[0064].

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Re claim 52, see Fig. 9 and paragraphs [0062]-[0064]. The host computer stores face image data of customers, who wish for service without using a card. The face image data of customers are registered with their ID numbers, account numbers, full names and addresses.

Re claims 61, Hoshino discloses a method including:

- (a) capturing an image of an individual with a camera (C1 and C2 in Fig. 9);
- (b) determining whether the captured image corresponds to an individual represented in a database (C4; [0062]-[0064]);
- (c) responsive to a positive determination in (b), granting a level of access to the interior of an automated banking machine component (C5).

Re claim 62, see Fig. 9 and paragraphs [0062].

Re claim 63, the method as recited in rejected claim 62 stated above, wherein (b) includes using facial recognition software. (The host computer uses a image recognition software or program to collate a customer's facial image with the pre-registered image data of the customer.).

Re claim 67, see Fig. 9 and paragraphs [0062].

Re claim 68, see Fig. 9 and paragraphs [0062]-[0064]. A level of access is interpreted and applied as either granting or denying the operation of withdrawal.

Re claims 70, Hoshino discloses a method including:

- (a) capturing an image data corresponding to an image of an individual with a camera (C1 and C2 in Fig. 9);
- (b) determining through operation of at least one processor whether the captured image corresponds to an individual represented in a database (C4; [0062]-[0064]);

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(c) responsive to a positive determination in (b), granting access to an interior area (withdrawal of cash stored in the currency cassette) of an automated banking machine, wherein in the interior area includes therein stored currency that is dispensed to machine users during financial transactions (withdrawal) conducted through operation of the machine (C5).

Allowable Subject Matter

4. Claims 49, 59, and 66 are allowable.
5. Claims 47, 48, 53-55, 57, 58, 60, 64, and 65 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: none of the cited references, taken alone or in combination, discloses, teaches, or fairly suggests the recited features of a lock control device requiring entry of multiple combinations to permit access to the interior of a security container within an automated banking machine wherein at least one processor is operative to reduce the number of required combinations responsive to a positive determination.

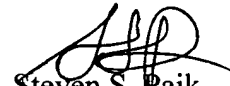
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 571-272-2404. The examiner can normally be reached on Monday - Friday 6:30a-3:00p (Maxi-Flex*).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Steven S. Paik
Primary Examiner
(steve.paik@uspto.gov)
Art Unit 2876

ssp



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